

REMARKS

The Office Action dated October 18, 2006, has been received and carefully considered. Claims 1 and 67 have been amended. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following amendments and remarks.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-24, 67-91 AND 94

On page 3 of the Office Action, claims 1-12, 14-22, 24, 67-78, 81-88, 90, 91 and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Savage, U.S. Publication No. 2002/0026394 in view of Schlect, U.S. Patent No. 2,035,285 and Langhammer, U.S. Publication No. 2002/0099622. On page 7 of the December 19, 2005, Office Action, claims 13, 23, 79, 80 and 89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Savage in view of Schlect, Langhammer, and further in view of Remington, U.S. Patent No. 6,070,150 or Verderamo, U.S. Patent No. 6,230,145.¹ These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

¹ The previous Office Action is referenced because the current office action states that Claims 2-24 and 68-90 stand rejected as stated in the previous office action, mailed 19 December 2005. See October 18, 2006, Office Action, Page 6, ¶10.

Independent Claims 1 and 67

Although Applicant does not agree with the pending rejections, Applicant has nonetheless amended the claims to clarify the claimed systems and methods and better distinguish the cited references. In particular, Applicant has amended each of the independent claims to recite a feature not disclosed by the cited references. For example, independent claim 1 has been amended to recite the step of “receiving the consolidated invoice from the at least one buyer, wherein the consolidated invoice includes an indication from the at least one buyer as to which of the orders a payment is being approved.” Support for this amendment is found throughout the specification. *See, e.g.*, Page 19, line 23 - Page 20, line 2 (“The approved consolidated invoice or a part thereof is transmitted back to service provider order management system 24, thereby informing the seller as to exactly which invoice components are approved and being paid for, and exactly which items are exceptions or are in dispute. This occurs prior to, or commensurate with, the actual payment, thereby allowing the seller an opportunity to begin exception/dispute resolution processing with particular knowledge of those disputed items.”)

Applicant respectfully submits that none of the cited references -- alone or in combination -- teach or suggest any feature or functionality that even remotely comprises the step of “receiving the consolidated invoice from the at least one buyer, wherein the consolidated invoice includes an indication from the at least one buyer as to which of the orders a payment is being approved,” as expressly recited in independent claims 1 and 67, as amended. Rather, Applicants respectfully submit that Savage, for example, discloses the receipt of payments, generally, but fails to teach or suggest any feature or functionality that receives the *consolidated invoice* from the at least one buyer, wherein the consolidated invoice includes an indication from

the at least one buyer as to which of the orders a payment is being approved. For example, no teaching or suggestion is made in Savage of any invoice that is received from the buyer in the manner claimed. The following excerpt demonstrates Savage's deficiency in this regard:

In an embodiment of the present invention, the payment processing system receives payments, posts payments to account, and processes. Payments are received, for example, by check, autopay, or the Internet. Payments are validated, and exceptions are processed. Payments are posted to accounts by applying payment amounts to accounts and decreasing the balance in accordance to the amount paid. Processing address changes includes receiving address changes and applying address changes to the customer database 184. The receivable management system involves financing; account management, risk management, and collections. Financing includes, for example, identifying client charges, applying pricing rules, forwarding payment to clients, and performing audits, as well as funding.

See, Savage, Page 15, ¶ 111.

Similarly, paragraphs 0087 and 0088 of Savage describes steps for handling customer *bill, incorrect rate and incorrect usage inquiries*, not the specific step of "receiving the consolidated invoice from the at least one buyer, wherein the consolidated invoice includes an indication from the at least one buyer as to which of the orders a payment is being approved," as expressly recited in independent claims 1 and 67:

[0087] FIG. 14 is a flow chart which provides further detail regarding the process of the customer 110 presenting a *bill inquiry* and adjustment regarding energy usage for an embodiment of the present invention. Referring to FIG. 14, the customer 110 sends a bill inquiry to the CSR 101 at S80. At S81, the CSR 101 receives the inquiry, gathers customer data, and logs the inquiry to the dispute tracking database 122. The CSR 101 also accesses the U-bill system 164, retrieves the customer bill record, and reviews the bill with the customer 110. FIG. 15 is a flow chart which provides further detail regarding the process of bill inquiry and adjustment regarding energy usage where the inquiry relates to an *incorrect rate*, for an embodiment of the present invention. Referring to FIG. 15, at S90, the customer 110 reviews the bill and sends an incorrect rate inquiry to the CSR 101. At S91, the CSR 101 receives the inquiry, verifies the vendor's methods and procedures from the vendor methods and procedures database 176, and sends a correct rate request to the order entry system 116 and the bill calculator 146. The bill calculator 146 receives the correct rate, calculates a credit due, and sends a credit to account to the CSR 101 at S92. At S93, the CSR 101 receives and logs

the credit account to the CAP system 142.

[0088] FIG. 16 is a flow chart which provides further detail regarding the process of bill inquiry and adjustment regarding energy usage where the inquiry relates to incorrect usage for an embodiment of the present invention. Referring to FIG. 16, the customer 110 reviews the bill and sends an incorrect usage inquiry to the CSR 101 at S100. At S101, the CSR 101 receives and logs the disputed charge to the CAP system 142. The CAP system 142 receives and sends the disputed charge to the dispute tracking system 122 at S102. The dispute tracking system 122 receives the disputed charge and generates a dispute tracking number to the CSR 101 at S103. The CSR 101 receives the dispute tracking number and generates a meter re-read request to the wires and pipes database 194 at S104. The wires and pipes database 194 receives the request and sends a re-read message to a vendor technician at S105. The vendor technician receives the message, re-reads the meter and logs the re-read data to the wires and pipes database 194 at S106. The wires and pipes database 194 receives the data and generates a re-read data flat file to the energy bill calculator 146 at S107. At S108, the energy bill calculator 146 receives the flat file, logs to the dispute tracking system 122, makes a bill adjustment, and sends the bill adjustment to the retail company bill aggregator 124. The retail bill company aggregator 124 receives the bill adjustment and sends the bill adjustment to the CAP system 142 at S109. The CAP system 142 receives the bill adjustment, logs the resolved disputed item, and sends the bill adjustment to the dispute tracking system 122 at S110. At S111, the dispute tracking system 122 receives the bill adjustment and closes out the disputed item.

See Savage, Paragraphs, 0087 and 0088.

For at the reasons set forth above, Applicant respectfully submits that Savage fails to teach or suggest the claimed step of “receiving the consolidated invoice from the at least one buyer, wherein the consolidated invoice includes an indication from the at least one buyer as to which of the orders a payment is being approved.” Moreover, Applicant respectfully submits that neither Schlect, Langhammer, Remington, nor Verderamo make up for Savage’s deficiencies set forth above. Accordingly, Applicant respectfully submits that independent claims 1 and 67 are allowable over the cited references.

Claims 13, 23, 79, 80 and 89--“Codes”

Applicant respectfully submits that the Examiner has not addressed Applicant's arguments regarding claims 13, 23, 79, 80 and 89 that were presented in the last response. Applicant repeats these arguments for the Examiner's convenience.

Regarding claims 13, 23, 79, 80 and 89, the Examiner asserts that “Savage fails to teach entering a reason code,” but alleges that “Remington teaches the use of reason codes when disputing a transaction in a billing environment (column 11, lines 48-55).” Further, the Examiner alleges that Verderamo “teaches the use of reason codes when disputing a transaction in a billing environment (column 4, lines 37-48).” The Examiner asserts, therefore, “that it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Savage, Schlect and Langhammer to include the reason code teachings because they all teach invoice analysis and exceptions so that the consumer is not charged for transactions they would like to dispute.” However, Applicant respectfully submits that neither Remington nor Verderamo -- alone or in combination -- teaches or suggests the specific limitations of claims 13, 23, 79, 80 and 89 relating to codes. Rather, Applicant respectfully submits that while Remington and Verderamo generally disclose the use of reason codes, they do not specifically disclose the limitations of claims 13, 23, 79, 80 and 89 as it relates to reason codes. For example, neither Remington nor Verderamo teaches or suggests any feature or functionality that specifically relates to an “indication [that] includes the act of entering a code corresponding to a reason payment is being approved or denied for a sub-invoice item,” as set forth in claim 13. The limitations of claims 23, 79, 80 and 89 are also not disclosed by Remington or Verderamo. Accordingly, Applicant respectfully requests that the rejection of claims 13, 23, 79, 80 and 89 be withdrawn.

Claims 24 and 90

Applicant respectfully submits that the Examiner has not addressed Applicant's arguments regarding claims 24 and 90 that were presented in the last response. Applicant repeats these arguments for the Examiner's convenience.

Regarding claims 24 and 90, the Examiner asserts that "Savage fails to teach funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding account equals or exceeds a predetermined total when combined with a holding account amount." However, the Examiner takes "Official Notice ... that funding accounts is old and well known in the art." The Examiner further asserts, therefore, that "it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Savage and including funding a subsidiary corresponding to a holding account via a foreign exchange if the incremental funding amount equals or exceeds a predetermined total when combined with a holding account amount because it is an efficient manner of allocating funds to subsidiaries."

Applicant traverses this rejection because there is no support in the record for the conclusion that the identified features are "old and well known." In accordance with MPEP § 2144.03, Applicants respectfully request that the Examiner cite a reference in support of his position.

As set forth above, therefore, Applicant respectfully submits that Savage does not teach or suggest each and every limitation of the pending claims. In addition, Applicant respectfully submits that there is no motivation to modify Savage in the manner described by the Examiner. In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-24, 67-91 and 94 be withdrawn.

Dependent Claims

Claims 2-24, 68-91 and 94 are dependent upon independent claim 1 or 67. Thus, since independent claims 1 and 67 should be allowable as discussed above, claims 2-24, 68-91 and 94 should also be allowable at least by virtue of their dependency on independent claim 1 or 67. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claims 91 and 94 further recite the step of "assigning a unique reference number to the consolidated invoice to enable tracking and invoice management" or "wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement." Applicant respectfully submits that Savage does not teach or suggest any of the features or functionality recited in claims 91 and 94. In particular, Applicant respectfully submits that Savage does not teach or suggest any feature or functionality that "assign[s] a unique reference number to the consolidated invoice to enable tracking and invoice management" or "wherein the received funds include an assigned reference number corresponding to a consolidated monthly statement," as set forth in new claims 91 and 94.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-24, 67-91 and 94 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the

present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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Date: January 18, 2007